

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :	Brand <i>et al.</i>	CONFIRMATION No. :	6830
SERIAL NUMBER :	10/517,135	EXAMINER :	Chandra, Gyan
FILING DATE :	February 17, 2006	ART UNIT :	1646
PATENT No. :	7,560,425	ISSUE DATE :	July 14, 2009
FOR :	A PHARMACEUTICAL COMPOSITION CONSISTING OF RAPAMYCINE AND GASTRIN 17(LEU15) AND A METHOD FOR TREATING DIABETES		

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.705(d)

The above-identified application issued on July 14, 2009. The total Patent Term Adjustment calculated by the United States Patent and Trademark Office under 35 U.S.C. §154(b) is 12 days, which is recited on the face of the above-referenced patent. Applicants petition the U.S. Patent and Trademark Office for reconsideration of the patent term adjustment calculation to **597 days**, based on the facts provided below. This Request is submitted in view of the decision by the decision in *Wyeth v. Dudas* (D.D.C. 2008) on September 30, 2008.

The '135 application was filed on December 7, 2004 as a US national application of PCT/US03/18377 and issued on July 14, 2009.

Under 35 U.S.C. § 154(b)(1)(A), the number of days attributable to USPTO examination delay ("A Delay") is **159** days.

Under 35 U.S.C. § 154(b)(1)(B), the number of days between the day after the date that was three years after the commencement of the US national application (December 7, 2007) and the date of patent grant (July 14, 2009) is **585** days.

Under 35 U.S.C. § 154(b)(2)(C), the number of days of Applicant delay is **147** days.

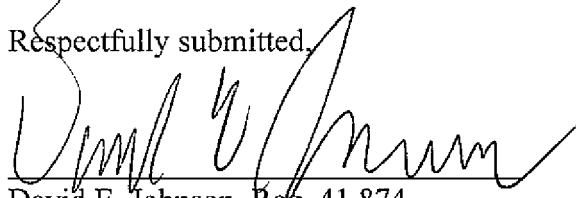
35 U.S.C. § 154(b)(2)(A) provides that "to the extent that periods of delay attributable to

grounds specified in paragraph [b](1) overlap, the period of any adjustment... shall not exceed the actual number of days the issuance of the patent was delayed. The overlap between the "A Delay" period and the "B Delay" period in the prosecution of the above-referenced application is 0 days.

Applicants accordingly petition the U.S. Patent and Trademark Office for reconsideration of the patent term adjustment calculation of $159 + 585 - 147$, or **597 days**, based on the facts provided herein.

Applicants believe no additional fees are due as the Office acknowledged the submission of the \$200.00 fee set forth in 37 C.F.R. §1.18(e) in the Decision mailed June 15, 2009 by the Office of Petitions. However, the Commissioner is authorized to charge any fees that may be due, or credit any overpayment of same, to Account No. 50-0311, Attorney Ref.: 24492-510N01US.

Respectfully submitted,



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Date: April 22, 2010

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